

§ 13.401

14 CFR Ch. I (1–1–06 Edition)

United States Code citation	Civil monetary penalty description	Minimum penalty amount	New adjusted minimum penalty amount	Maximum penalty amount when last set or adjusted pursuant to law	New or Adjusted Maximum penalty amount
49 U.S.C. 46301(a)(3)(B)	Violations of statutory provisions listed in 49 U.S.C. 46301(a)(1), regulations prescribed, or orders issued under those provisions relating to the registration or recodation under chapter 441 of Title 49, United States Code, or an aircraft not used to provide air transportation..	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46301(a)(3)(C)	Violations of 49 U.S.C. 44718(d), or regulations prescribed or orders issued under it, relating to limiting construction or establishment of landfills.	N/A	N/A	\$10,000, set 10/9/1996.	\$10,000, set 10/9/1996.
49 U.S.C. 46301(a)(3)(D)	Violations of 49 U.S.C. 44725, or regulations prescribed or orders issued under it, relating to the safe disposal of life-limited aircraft parts.	N/A	N/A	\$10,000, adopted 4/5/2000.	\$10,000, adopted 4/5/2000.
49 U.S.C. 46301(b)	Tampering with a smoke alarm device..	N/A	N/A	\$2,200 per violation, adjusted 1/21/1997.	\$2,200 per violation, adjusted 1/21/1997.
49 U.S.C. 46302	Knowingly providing false information about alleged violations involving the special aircraft jurisdiction of the United States..	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46303	Carrying a concealed dangerous weapon.	N/A	N/A	\$11,000 per violation, adjusted 1/21/1997.	\$11,000 per violation, adjusted 1/21/1997.
49 U.S.C. 46318	Interference with cabin or flight crew.	N/A	N/A	\$25,000 per violation, adopted 4/5/2000.	\$25,000 per violation, adopted 4/5/2000.

[61 FR 67445, Dec. 20, 1996, as amended by Amdt. 13–28, 62 FR 4134, Jan. 29, 1997; 67 FR 6366, Feb. 11, 2002]

Subpart I—Flight Operational Quality Assurance Programs

§ 13.401 Flight Operational Quality Assurance Program: Prohibition against use of data for enforcement purposes.

(a) *Applicability.* This section applies to any operator of an aircraft who operates such aircraft under an approved Flight Operational Quality Assurance (FOQA) program.

(b) *Definitions.* For the purpose of this section, the terms—

(1) *Flight Operational Quality Assurance (FOQA) program* means an FAA-approved program for the routine collection and analysis of digital flight data gathered during aircraft operations, including data currently collected pursuant to existing regulatory

provisions, when such data is included in an approved FOQA program.

(2) *FOQA data* means any digital flight data that has been collected from an individual aircraft pursuant to an FAA-approved FOQA program, regardless of the electronic format of that data.

(3) *Aggregate FOQA data* means the summary statistical indices that are associated with FOQA event categories, based on an analysis of FOQA data from multiple aircraft operations.

(c) *Requirements.* In order for paragraph (e) of this section to apply, the operator must submit, maintain, and adhere to a FOQA Implementation and Operation Plan that is approved by the Administrator and which contains the following elements:

(1) A description of the operator's plan for collecting and analyzing flight

recorded data from line operations on a routine basis, including identification of the data to be collected;

(2) Procedures for taking corrective action that analysis of the data indicates is necessary in the interest of safety;

(3) Procedures for providing the FAA with aggregate FOQA data;

(4) Procedures for informing the FAA as to any corrective action being undertaken pursuant to paragraph (c)(2) of this section.

(d) *Submission of aggregate data.* The operator will provide the FAA with aggregate FOQA data in a form and manner acceptable to the Administrator.

(e) *Enforcement.* Except for criminal or deliberate acts, the Administrator will not use an operator's FOQA data or aggregate FOQA data in an enforcement action against that operator or its employees when such FOQA data or aggregate FOQA data is obtained from a FOQA program that is approved by the Administrator.

(f) *Disclosure.* FOQA data and aggregate FOQA data, if submitted in accordance with an order designating the information as protected under part 193 of this chapter, will be afforded the nondisclosure protections of part 193 of this chapter.

(g) *Withdrawal of program approval.* The Administrator may withdraw approval of a previously approved FOQA program for failure to comply with the requirements of this chapter. Grounds for withdrawal of approval may include, but are not limited to—

(1) Failure to implement corrective action that analysis of available FOQA data indicates is necessary in the interest of safety; or

(2) Failure to correct a continuing pattern of violations following notice by the agency; or also

(3) Willful misconduct or willful violation of the FAA regulations in this chapter.

[Doc. No. FAA-2000-7554, 66 FR 55048, Oct. 31, 2001; Amdt. 13-30, 67 FR 31401, May 9, 2002]

PART 14—RULES IMPLEMENTING THE EQUAL ACCESS TO JUSTICE ACT OF 1980

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AUTHORITY: 5 U.S.C. 504; 49 U.S.C. 106(f), 40113, 46104 and 47122.

SOURCE: Docket No. 25958, 54 FR 46199, Nov. 1, 1989, unless otherwise noted.

Subpart A—General Provisions

§ 14.01 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (the Act), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (adversary adjudications) before the Federal Aviation Administration (FAA). An eligible party may receive an award when it prevails over the FAA, unless the agency's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the FAA Decisionmaker will use to make them. As